

REMARKS

The Final Rejection mailed January 29, 2007, has been carefully considered. In response thereto, the present application has been amended in a manner which is believed to place it into condition for allowance. Accordingly, reconsideration and withdrawal of the outstanding Office Action and issuance of a Notice of Allowance are respectfully solicited in view of the foregoing amendments and the following remarks.

At the outset, the Applicants acknowledge with appreciation the indication of allowable subject matter in claims 4-7 and 19-22.

The Applicants respectfully submit that the present Amendment overcomes the rejection of claims 33 and 34 under 35 U.S.C. § 112, second paragraph.

Claims 1, 9-13, 16 and 24-32 have been rejected under 35 U.S.C. § 102(b) over *Raines*. For the reasons set forth below, the Applicants respectfully traverse.

The present claimed invention involves measuring a peripheral pulse volume per length *PV* in the limb of the patient. The Final Rejection alleges that *Raines* teaches that limitation in column 6, lines 31-36. However, that portion of the specification actually teaches merely measuring “the amount of blood flowing beneath it with each heartbeat.” There is no teaching or suggestion to measure peripheral pulse volume *per length*. Therefore, the claims are not anticipated.

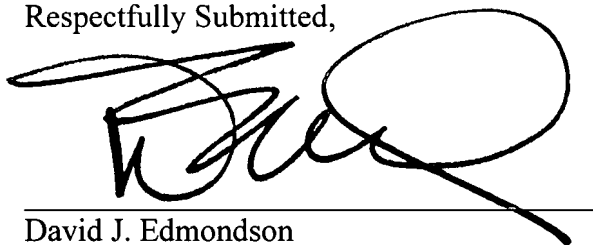
The Applicants further traverse the rejection of claims 2, 3, 8, 17, 18 and 23 under 35 U.S.C. § 103(a) over *Raines* in view of *Chio*. Since *Chio* does not overcome the above-noted deficiency of *Raines*, the present claimed invention would not have been obvious over the combination of references. Moreover, with regard to claims 18 and 23, *Chio* calculates compliance in a different way, i.e., dV/dP rather than PV/PP .

In light of the above, the Applicants respectfully submit that the application is in condition for allowance. Notice of such allowance is earnestly solicited.

If there remain any issues that can be overcome most easily through a telephonic interview, the Examiner is invited to telephone the undersigned at the telephone number set forth below.

Please charge any deficiency in fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (117622-00105). If an extension of time is required to render this submission timely and either is not filed concurrently herewith or is insufficient to render this submission timely, the Applicants hereby petition under 37 C.F.R. § 1.136(a) for such an extension for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'David J. Edmondson', written over a horizontal line.

David J. Edmondson
Registration No. 35,126

BLANK ROME LLP
Watergate 600, 11th Floor
600 New Hampshire Avenue, NW
Washington, DC 20037-2485
Tel.: (202) 772-5800
Fax: (202) 772-5858